

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TQ DELTA, LLC,

Plaintiff,

v.

**COMMSCOPE HOLDING COMPANY,
INC., COMMSCOPE INC., ARRIS US
HOLDINGS, INC., ARRIS SOLUTIONS,
INC., ARRIS TECHNOLOGY, INC., and
ARRIS ENTERPRISES, LLC**

Defendants.

Civ. A. No. 2:21-CV-310-JRG

COMMSCOPE'S OPPOSED MOTION TO CHANGE LEAD COUNSEL DESIGNATION

Pursuant to L.R. CV-11(a) and the Court's Docket Control Order, Defendants CommScope Holding Company, Inc., CommScope Inc., ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., and ARRIS Enterprises, LLC (collectively "CommScope") hereby move to change the lead counsel designation so that Ross R. Barton will be designated as lead counsel for CommScope in the above-captioned action.

Mr. Barton is admitted to practice in the Eastern District of Texas and has experience as lead counsel in various patent matters, including in this District. Mr. Barton will be the lawyer who will lead the trial team before the Court and the jury. CommScope retained Mr. Barton and the law firm of Alston & Bird LLP as counsel in this matter in December 2022. Mr. Barton and Alston & Bird will serve and are now serving as CommScope's lead counsel in this case, and CommScope intends for Mr. Barton to serve as lead counsel at trial. Since being retained by CommScope, Mr. Barton has been personally involved in all aspects of the case, and he is continuing to do so. Although attorneys from the law firm of Goodwin Proctor LLP will remain

of record in the case, the current lead counsel for CommScope, Mr. Douglas J. Kline, will no longer be involved in the case. For these reasons, CommScope respectfully requests that the Court change the lead counsel designation from Mr. Kline to Mr. Barton.

Plaintiff TQ Delta, LLC opposes this motion.

Dated: February 21, 2023

Respectfully submitted,

By: /s/ Ross R. Barton
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Inc., and ARRIS Enterprises, LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served electronically on February 21, 2023, on all counsel who have consented to electronic service via ECF.

/s/ Ross R. Barton

Ross R. Barton

CERTIFICATE OF CONFERENCE

I hereby certify that CommScope has complied with the meet-and-confer requirements of Local Rule CV-7(h) and (i). On February 16, 2023, counsel for CommScope emailed counsel for TQ Delta requesting its position. On February 17, 2023, TQ Delta responded and asked for CommScope's basis for the motion to change. CommScope provided its position twice, on February 17, 2023 and February 20, 2023, indicating that "Mr. Barton will be serving as the lead counsel, consistent with the requirements of the Local Rules, on behalf of CommScope going forward" and "I will be lead counsel, and A&B will be trying this case. Mr. Kline will no longer be involved in the case. We are not going to use substitution of lead counsel as a basis to move the trial date or for any substantive purpose in the case," respectively. On Tuesday, February 22, 2023, after another follow up email, TQ Delta responded, "TQD cannot agree at this time." Following receipt of that email, Mr. Barton, counsel for CommScope, contacted Mr. Fink, counsel for TQ Delta, by phone. On that call, Mr. Fink did not articulate the reason for TQ Delta's position but maintained that TQ Delta opposes the present motion.

/s/ Ross R. Barton

Ross R. Barton